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November 20, 2023

VIA ECF AND EMAIL

The Honorable Edgardo Ramos
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10022

Re: United States v. Milton, 21-cr-478 (ER)

Dear Judge Ramos:

It is with great reluctance that we write to request a brief adjournment of Trevor's Milton's sentencing, which is currently scheduled for November 28, 2023.

As the Court is aware, Mr. Milton's criminal defense team is waiting to review certain materials from the arbitration proceeding between Mr. Milton and Nikola. It is my understanding that efforts to meet and confer between Mr. Milton's arbitration counsel at Hughes Hubbard and Reed, and Nikola's counsel at Kirkland and Ellis, have not yet resulted in agreement over materials that should be disclosed to the criminal defense team. As was noted in Court last week, the materials we await may be relevant to Mr. Milton's sentencing, appeal, and possible future motion practice in this matter.

In order to protect Mr. Milton's rights, these materials must be properly reviewed by Mr. Milton's criminal defense counsel, and, where appropriate, brought to the Court's attention in a confidential manner, as necessary.

The government has requested that we convey their position as follows:

Although the Government takes no position at this time as to whether the defendant's criminal defense counsel is entitled to review materials from the defendant's arbitration with Nikola or whether any of those materials may be used in connection with these proceedings, the Government does not object to an adjournment of sentencing to mid-December, with a corresponding adjournment of the deadline for the filing of the Government's sentencing submission to one week prior to the rescheduled sentencing.

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Accordingly, we respectfully request a brief adjournment of Mr. Milton's sentencing proceeding until a date convenient for the Court in mid-December 2023 with a corresponding adjournment of the deadline for the filing of the Government's sentencing submission to one week prior to the rescheduled sentencing.

Respectfully submitted,

/s/ Marc L. Mukasey
Marc L. Mukasey

Counsel for Defendant Trevor Milton

Cc: All counsel (via ECF)